

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Garvey et al**

Application No: **10/628,375**

Group Art Unit: **1626**

Filed: **July 29, 2003**

Examiner: **Kamal A. Saeed**

For: **Cyclooxygenase-2 Selective Inhibitors, Compositions and Methods of Use**

Attorney Docket No: **102258.158 US2**

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

NitroMed, Inc. certifies that it is the owner of the entire right, title and interest in Application No. 10/628,375, filed July 29, 2003, entitled "Cyclooxygenase-2 Selective Inhibitors, Compositions and Methods of Use" (hereafter the "above-identified application") by virtue of an assignment recorded in the U. S. Patent and Trademark Office on July 29, 2003, at Reel 014350, Frame 0798

NitroMed, Inc. certifies that it is the owner of the entire right, title and interest in Application No. 09/741,816, filed December 22, 2000, issued as U. S. Patent No. 6,649,629 on November 18, 2003, entitled "Nitrosated and Nitrosylated Cyclooxygenase-2 Inhibitors, Compositions and Methods of Use" by virtue of an assignment recorded in the U. S. Patent and Trademark Office on December 22, 2000 at Reel 011409, Frame 0225.


Pursuant to 37 C. F. R. §1.321, NitroMed, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,649,629 and hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,649,629, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

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NitroMed, Inc. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,649,629, in the event that U.S. Patent Nos. 6,649,629, later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F. R. §1.32 (a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

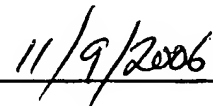
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11/9/2006